

REMARKS/ARGUMENTS

The Applicants originally submitted Claims 1-20 in the application. The Applicants have previously amended Claims 1 and 8, canceled Claims 3 and 10 without prejudice or disclaimer and added Claims 21-22. The Applicants also filed an Appeal Brief.

In view of the Appeal Brief, the Examiner has reopened prosecution. In response, the Applicants submit this reply under 37 C.F.R. §1.111. In the present response, the Applicants have not canceled, added or amended any claims. Accordingly, Claims 1-2, 4-9 and 11-22 are currently pending in the application.

I. Rejection of Claims 1-2, 4-6, 8-9, 11-13, 15-19 and 22 under 35 U.S.C. §103

The Examiner has rejected Claims 1-2, 4-6, 8-9, 11-13, 15-19 and 22 under 35 U.S.C. §103(a) as being unpatentable over U.S. Patent No. 6,044,266 to Kato in view of U.S. Patent No. 5,960,357 to Kim. The Applicants respectfully disagree since the cited combination of Kato and Kim does not teach or suggest communicating data over a voice channel between a transmitter of a base station and a receiver of a handset of a cordless telephone as recited in independent Claims 1, 8 and 15.

Kato is directed to acquiring a channel in radio packet-type data communication, in which the transmission status of a mobile terminal using a given channel is monitored, such that, when the monitored terminal is silent and the channel is unused, packets of data are transmitted over the channel. (*See* column 1, lines 9-16.) Kato does not teach or suggest identifying a pause in voice traffic that is to be transmitted over the voice channel and responding to the pause by causing the base station transmitter to transmit data to the cordless telephone receiver over the voice channel as

recited in independent Claims 1, 8 and 15. Instead, Kato discloses a mobile packet data station that monitors a voice path between a mobile or cordless telephone and a base station to identify silent periods in the voice path and transmits data from the mobile packet data station to the base station during the silent periods. (See the Abstract; column 4, lines 6-26; and Figure 1.) Thus, instead of the base station transmitting data to the cordless or mobile telephone, Kato teaches the mobile packet data station transmits data to the base station. The Applicants do not find where Kato teaches or suggest the base station transmits data to the mobile or cordless receiver. Additionally, the Applicants do not find where Kato teaches or suggests data is transmitted over the voice channel between the base station transmitter and the cordless telephone receiver. Accordingly, Kato does not teach or suggest each element of independent Claims 1, 8 and 15.

Kim has not been cited to cure the above deficiencies of Kato but to teach a silence detector coupled to a transmitter. (See Examiner's Action, page 3.) Additionally, Kim does not teach or suggest responding to an identified pause in voice traffic that is to be transmitted over a voice channel between a base station transmitter and a cordless telephone receiver by causing the base station transmitter to transmit data to the cordless telephone receiver over the voice channel as recited in independent Claims 1, 8 and 15. Instead, Kim is directed to executing an automatic calling function in a cordless telephone system including a fixed base station and a flip-type remote handset. (See column 1, lines 15-19.) The Applicants do not find any teaching or suggestion where Kim discloses the fixed based station transmits data to the flip-type remote handset in response to an identified pause in voice traffic therebetween. As such, Kim does not cure the deficiencies of Kato and the cited combination of Kato and Kim does not teach each and every element of independent Claims 1, 8 and 15.

Since the cited combination of Kato and Kim does not teach or suggest all of the elements of independent Claims 1, 8 and 15 , the cited combination does not establish a *prima facie* case of obviousness of dependent Claims 1, 8 and 15 and Claims dependent thereon. The Applicants therefore respectfully traverse the Examiner's §103(a) rejection of Claims 1-2, 4-6, 8-9, 11-13, 15-19 and 22 and respectfully request an issue of allowance thereof.

II. Rejection of Claims 7, 14 and 20 under 35 U.S.C. §103

The Examiner has rejected Claims 7, 14 and 20 under 35 U.S.C. §103(e) as being unpatentable over Kato and Kim in view of U.S. Patent No. 6,301,287 to Walley, *et al.* (Walley). As discussed above, the cited combination of Kato and Kim fails to teach or suggest all of the elements of the inventions recited in independent Claims 1, 8 and 15. Walley has not been cited to cure the deficiencies of Kato and Kim but only for the premise of teaching the subject matter of dependent Claims 7, 14 and 20. Thus, the cited combination of Kato, Kim and Walley does not teach or suggest all of the elements of the inventions of independent Claims 1, 8 and 15 and thus, does not establish a *prima facie* case of obviousness of dependent Claims 7, 14 and 20 which include the elements of the respective independent claims. The Applicants therefore respectfully traverse the Examiner's rejection of Claims 7, 14 and 20 under 35 U.S.C. §103(a) and request issuance of allowance thereof.

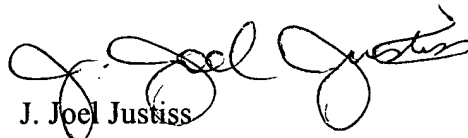
III. Conclusion

In view of the foregoing remarks, the Applicants now see all of the Claims currently pending in this application to be in condition for allowance and therefore earnestly solicit a Notice of Allowance for Claims 1-2, 4-9 and 11-22.

The Applicants request the Examiner to telephone the undersigned attorney of record at (972) 480-8800 if such would further or expedite the prosecution of the present application. The Commissioner is hereby authorized to charge any fees, credits or overpayments to deposit account 08-2395.

Respectfully submitted,

HITT GAINES, PC


J. Joel Justiss
Registration No. 48,981

Dated: _____

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P.O. Box 832570
Richardson, Texas 75083
(972) 480-8800